



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 21, 2006
Comment Deadline: March 21, 2006
Corps Action ID #: 200600466

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant:

Carolina Marina Inc.
C/o Mr. Tim Ward
1512 Burnett Road
Wilmington, North Carolina 28409

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Location

The project site is located at 1512 Burnett Road, adjacent to the Atlantic Intracoastal Waterway (AIWW)/Myrtle Grove Sound, just south of Carolina Beach Inlet, in New Hanover County, North Carolina.

Existing Site Conditions

The property encompasses approximately 2.87 acres and averages 7 feet above mean sea level. The property has approximately 240 linear feet of shoreline adjacent to Myrtle Grove Sound that is stabilized by a new bulkhead. Existing highground structures include a garage/workshop building with an associated driveway and a gazebo located next to a boat ramp. A chain linked fence and concrete/cinder block wall surround the perimeter of the property. Water dependent structures that exist at the property include a private boat ramp, a fixed pier with an L-head platform, a boathouse and two (2) boatlifts. Existing water depths adjacent to these water dependent structures average approximately -1.5' at mean low water. Upland vegetation consists of Oak, ornamental landscaping and lawn grasses. Waterward of the existing bulkhead on the southern side of the property is an area of low marsh consisting primarily of smooth Cord grass (*Spartina alterniflora*), which extends approximately 60 feet towards the AIWW/Myrtle Grove Sound.

The New Hanover County Land Use Plan classifies the adjacent waters as Conservation, and adjacent high ground of the project area as Resource Protection. The waters of the AIWW/Myrtle Grove Sound are classified "SA" by the N.C. Division of Water Quality and are designated as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries and are OPEN to the harvest of shellfish.

Site History

In 1969 Mr. Homer Ward received a Federal permit authorizing the construction of a private bulkhead, boat ramp, fixed pier and platform. The N.C. Division of Coastal Management stated their records of the permit application includes a memorandum written on January 11, 1971, by Jim Brown with the N.C. Department of Conservation and Development. Mr. Brown's memo stated that while flying over Mr. Ward's property, he witnessed a dredging operation at this location that was not authorized under Mr. Ward's aforementioned Federal permit. Mr. Brown stated in his memorandum that approximately 2/3 of the operation was completed before he informed Mr. Homer Ward and his contractor that a State Dredge and Fill permit was required for the work. The state records also show that on January 14, 1971, a memorandum by Thomas L. Linton from the N.C. Department of Conservation and Development stated that Mr. Homer Ward submitted a State Dredge and Fill Permit application on January 11, 1971. This memo also stated that Mr. Ward had a Corps permit for dredging, but there is no record with the Corps of Engineers ever receiving a request for dredging at this location to Mr. Ward and there is no record that a State Dredge and Fill Permit or Corps Permit was ever issued. New Hanover County issued Mr. Homer Ward a Special Use Permit in 1971 for a commercial marina at this location. The permit application indicates that the commercial sale of fuel from the terminal end of the dock occurred during the late 1960's and early 1970's. The application also indicates that the boat slips were utilized until approximately 1990 and that the boat ramp has continued to be used, although has not been used commercially in several years. On October 20, 1992 Mr. Homer Ward received a Federal General Permit, AID 199300508 and CAMA General Permit 10616-D authorizing a boathouse, catwalk and installation of a boatlift. On September 9, 2004, the applicant, Mr. Tim Ward received a CAMA General Permit No. 36899-D authorizing the construction of a new bulkhead two feet waterward of the existing bulkhead at this location.

Applicant's Stated Purpose

The applicant's stated purpose of the project is to improve the use of the commercial ramp and facilities for a viable commercial marina.

Project Description

The applicant and the North Carolina Division of Coastal Management provided the following description of the proposed project. The referenced figures and plans are attached to the public notice.

The applicant proposes the replacement of the existing pier with new floating docks, relocate and enlarge the existing boat ramp, bulkhead replacement, perform dredging, installation of breakwaters and develop a marina clubhouse with associated parking area. The existing boat ramp would be relocated approximately 20' to the south of its' existing location and enlarged from 15' wide to 20' wide. A new 214 linear foot bulkhead alignment would replace a portion

of the existing bulkhead adjacent to the area of the existing boat ramp. The majority of new alignment would run landward of the existing bulkhead alignment, however approximately an average of 6' waterward of the existing alignment would occur along the northern side of the new boat ramp. This section would run approximately 95 linear feet. The remaining new 120 linear feet of bulkhead alignment would be located on the southern end of the property, landward of the existing bulkhead alignment (See Sheet 12 of 13).

Two (2) floating docks would be constructed on each side of the relocated boat ramp to serve as temporary tie-up. The floating dock located on the southern side of the boat ramp would be 175' in length by 8' wide and the floating dock on the northern side of the boat ramp would be 100' in length by 8' wide. This floating dock would then terminate into another floating dock, which run along the waterward side of the bulkhead alignment in a northerly direction. Dimensions of this floating dock would be 107' in length by 8' wide. This floating dock would then lead into a 162' in length by 8' wide main floating dock, which would be accessed by a gangway ramp and would extend towards the AIWW in an easterly direction. This main floating dock would then terminate into a floating dock 66' in length by 8' wide floating dock, which would run parallel to the AIWW in a southerly direction. This floating dock would lead into a 51' in length by 8' wide floating dock, which would run perpendicular to the shoreline in a westerly direction. The agent states that these floating docks located at the terminal end of the main floating dock would be utilized as only fuel docks due to their dimensions, which two fuel dispensers would be located (See Sheet 11 of 13). The agent also states that all requested dockage would be for temporary tie-up, to be used solely for dockage of boats awaiting ramp access and that a gate and marina policy would enforce a "no dockage" policy at the fuel dock.

Two (2) breakwaters made of steel sheet pile would be constructed within the project area. A 210 linear foot alignment would be located adjacent to the floating dock on the southern side of the boat ramp. The other 170 linear foot breakwater alignment would be located adjacent to the main floating dock on the northern side of the project area. Both breakwaters would be oriented perpendicular towards the AIWW to reduce the wave action occurrence from vessel of the area. The breakwaters would be constructed to maintain a 3' clearance above Mean High Water (MHW) (See Sheets 8 of 13 and 11 of 13).

The applicant proposes dredging within the proposed structures. The dredging limits dimensions would be 260' in length by 120' in width to a final depth of -5' below Mean Low Water (MLW), which accommodate the structures aforementioned. The agent states that the proposed 20' width of the access channel from the boat ramp to the AIWW would be needed for sufficient passage of two vessels. The agent also states that the proposed water depth would tie into consistent water depth towards the AIWW to allow for proper tidal flushing. Approximately 4,120 cubic yards of excavated material would be removed mechanically and then placed on a highground location onsite. Dimensions of the spoil site would be approximately 100' x 220' (See Sheet 9 of 13). The agent states the proposed dredging event would be located within the northern half of the riparian corridor, which is in effort to minimize the area to be dredged (See Sheet 13 of 13).

Upland development would consist of a marina clubhouse with an associated parking lot, septic system and a stormwater treatment system. The marina clubhouse would be a 30' x 50' building with an associated 14' x 16' office building. These buildings would also have two bathrooms constructed to service the marina. There would be a 2500 gal. septic tank and a 2500 gal. septic pump located on the northern side of the clubhouse and office. The system would be

pumped through a septic system force main to the drainfield located on the western end of the property. The clubhouse and office building would also have an associated handicap access ramp and sidewalk, which would lead to the parking lot. Dimensions of the parking lot would be approximately 230' in length by 200' wide and constructed of asphalt. There would be 45 parking spaces for the clubhouse, which would include two handicap spaces and 41 parking spaces for boat trailers. Within a 15' landscape area between the parking areas would be two above ground fuel tanks (See Sheet 10 of 13).

The applicant has received a State Stormwater Permit SW8040103 through the N.C. Division of Water Quality on 09/30/05. The permitted stormwater treatment system would be installed within the parking areas and pumped to a stormwater infiltration system, which would be located at the western end of the property. Within the parking areas would be six inlets that would then lead to the stormwater pump station. The stormwater pump station would then pump the stormwater into an infiltration system measuring 30' x 90' (See Sheet 10 of 13).

ANTICIPATED IMPACTS

The proposed dredging would result in the excavation of approximately 33,600 sq. ft. of shallow bottom. Approximately 36,000 sq. ft. of highground area would be disturbed for the spoil site area, which would contain approximately 4,120 cubic yards of material excavated for the docking facility. Approximately 24,432 sq. ft. of impervious surface would be created for the proposed highground structures. The proposed docking system, boat ramp and breakwaters construction would incorporate 5,668 sq. ft. of Estuarine Waters and Pubic Trust Area. Minor increases in turbidity should be expected during construction. The proposed pier would extend approximately 160 feet into a waterbody, which measures approximately 775 feet across. As proposed, the applicant's proposal would not encroach into the 80-foot setback from the AIWW. The floating docks would potentially provide docking space for up to eighteen (18) vessels, but the applicant states that only ten (10) slips are proposed as indicated by numbering on the submitted plans.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the N.C. Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the N.C. Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by March 16, 2006.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved

N.C. Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the N.C. Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. These impacts to EFH include destruction of habitat at the dredge site, siltation plums, erosion and sedimentation issues, time frame work is performed (fish moratoriums) and water quality issues.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined there may be species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United

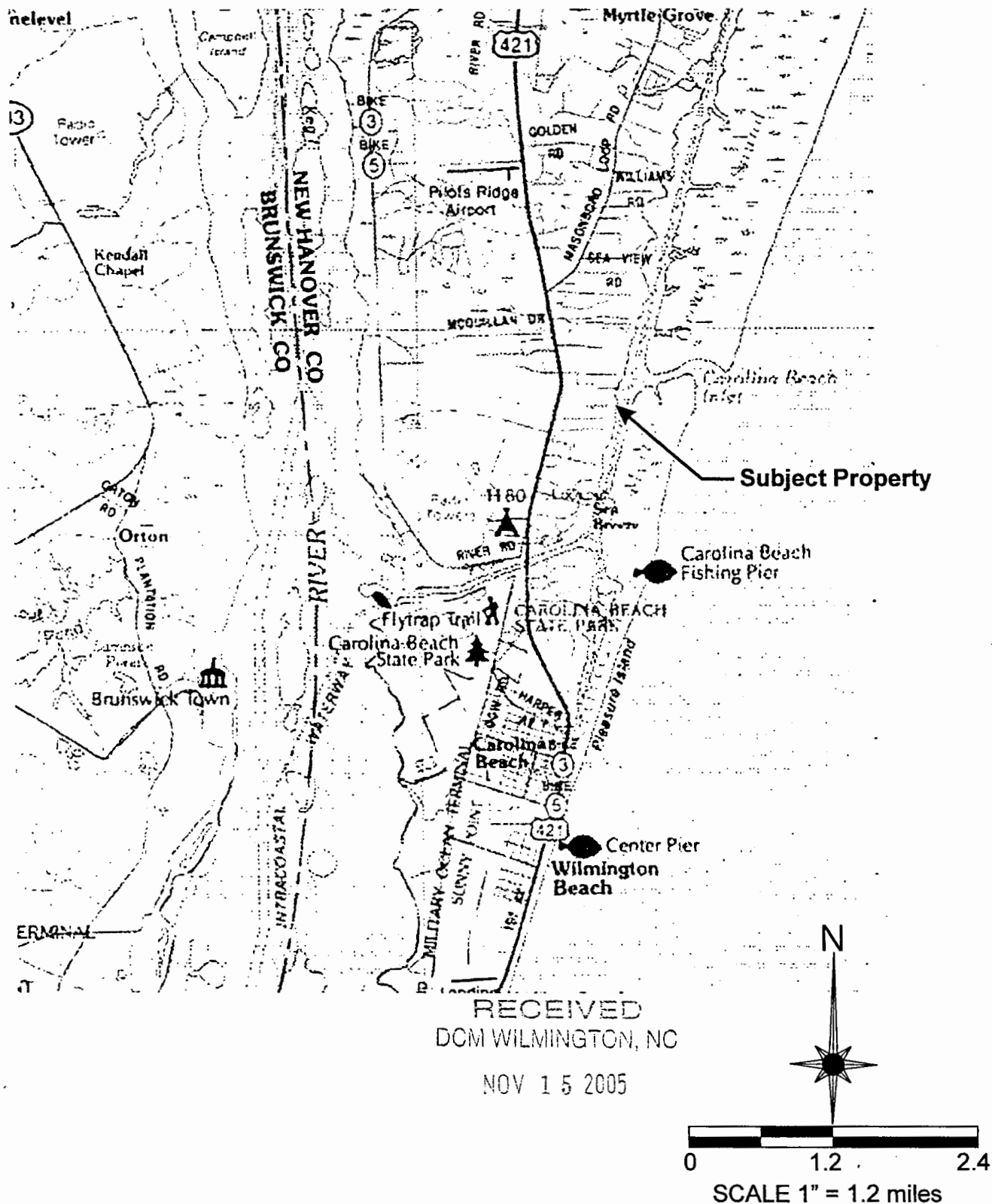
States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, March 20, 2006. Comments should be submitted to Henry Wicker, Project Manager for this project.



Land Management Group, Inc.
Environmental Consultants
P.O. Box 2522
Wilmington, NC 28402
910-452-0001

VICINITY MAP
North Carolina Gazetteer

CAMA Major Permit Application
Carolina Marina

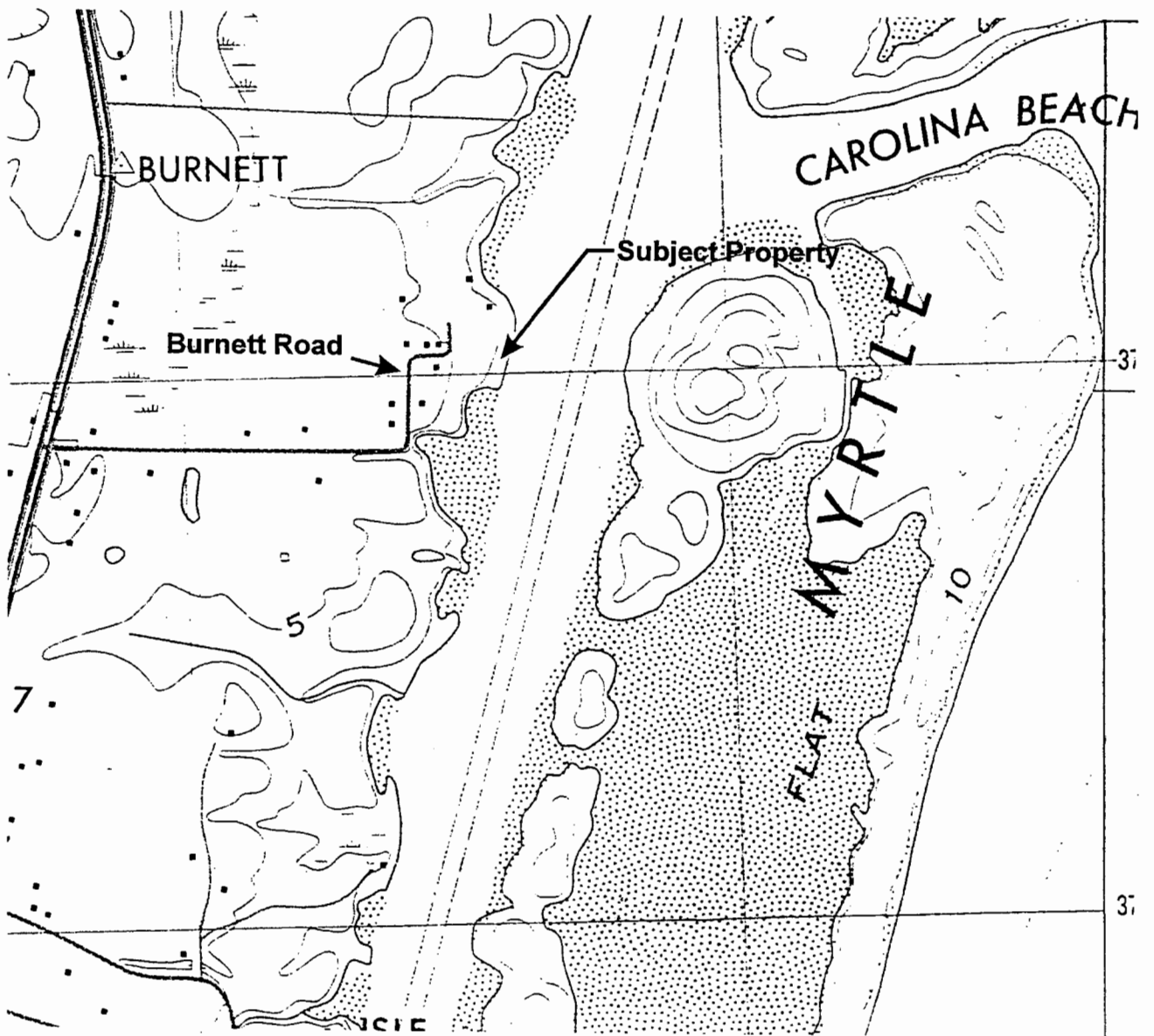
Applicant: Carolina Marina LLC,
c/o Mr. Tim Ward

Location: AIWW, New Hanover County

Date: Revised 2/9/05 Sheet 1 of 13

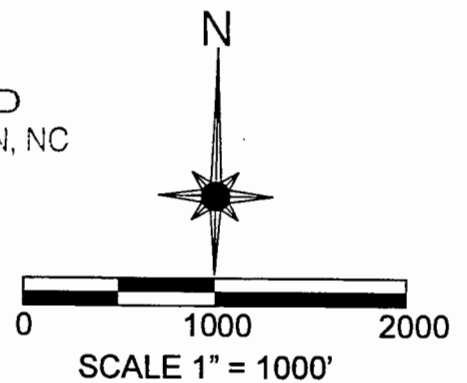
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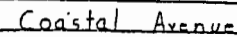
USGS TOPOGRAPHIC
MAP
Carolina Beach 6.5" Quad

CAMA Major Permit Application
Carolina Marina

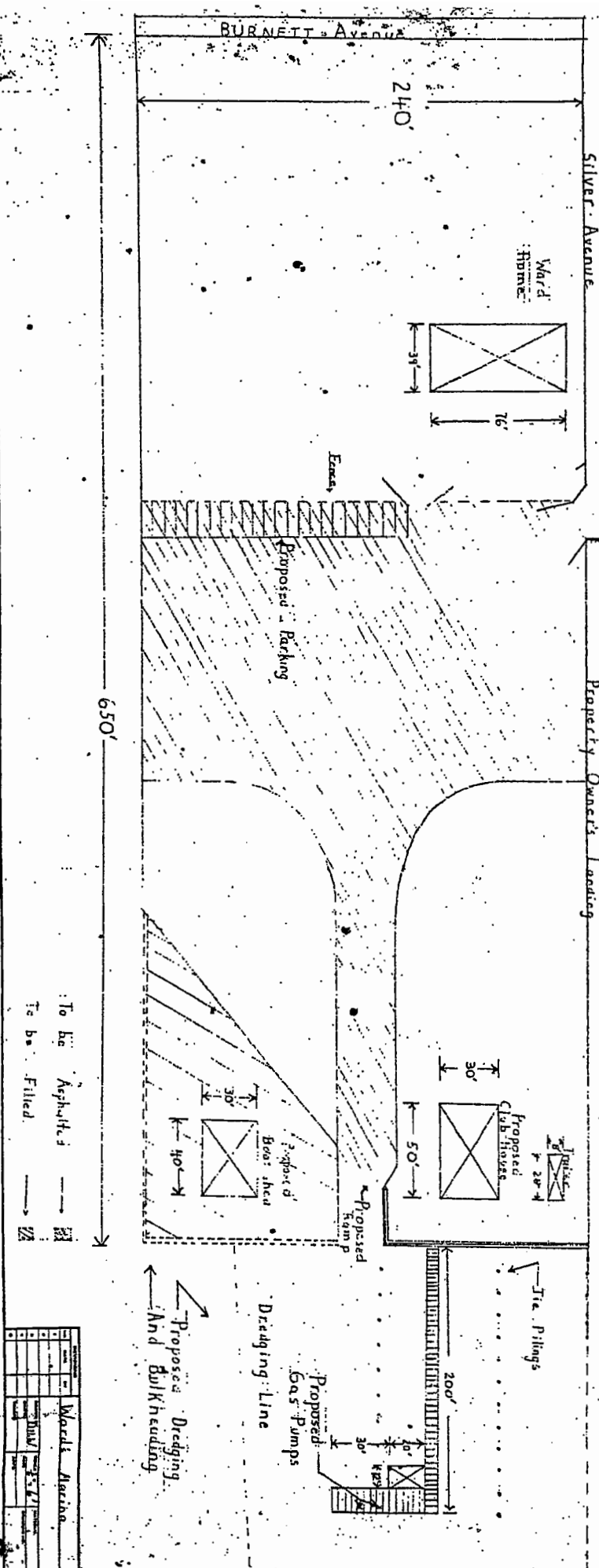
Applicant: Carolina Marina LLC,
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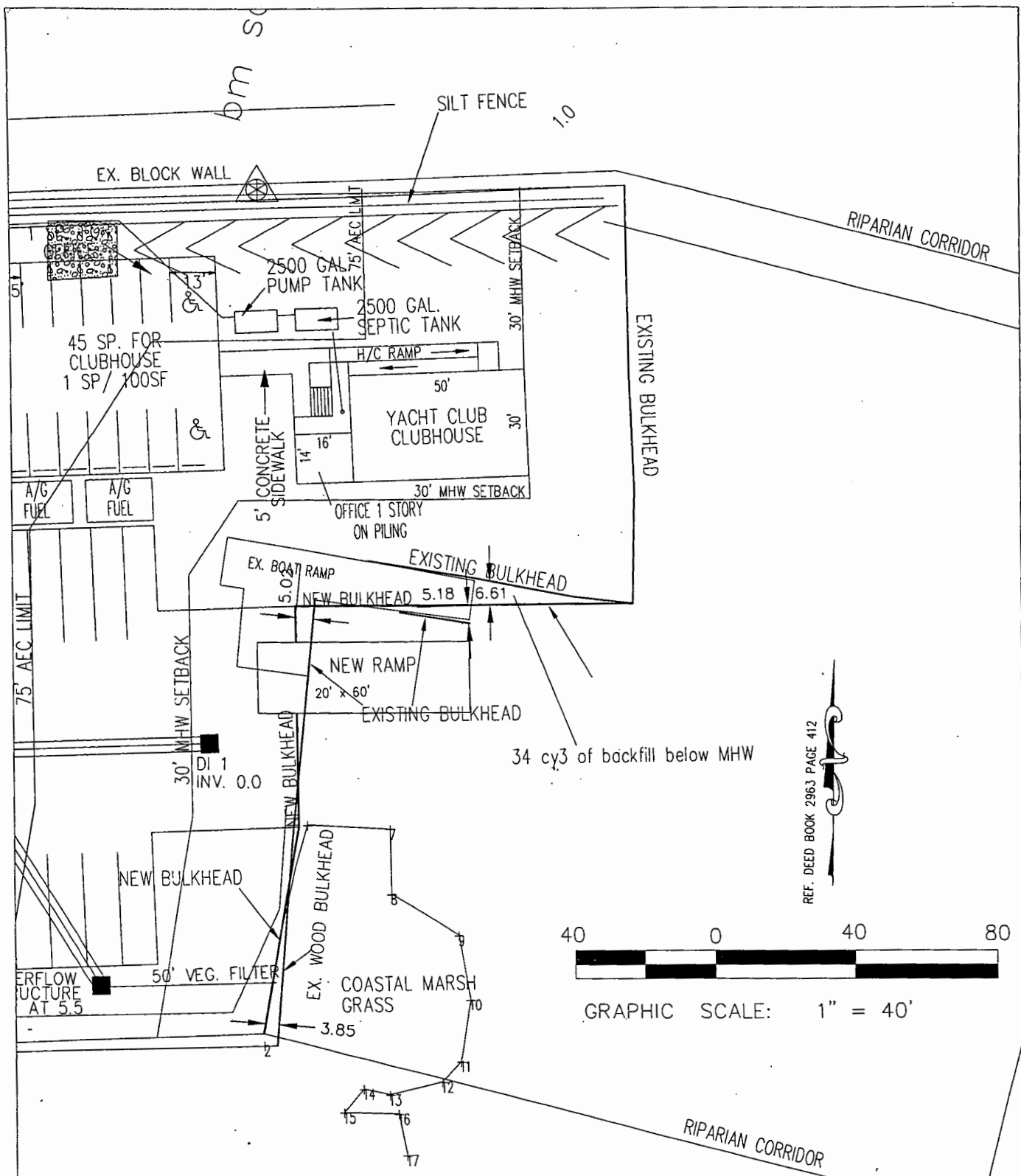
Location: AIWW, New Hanover County

Date: Revised 2/9/05 Sheet 2 of 13



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DOWN
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BULKHEAD DETAIL

Date:

10/18/05

Revised 1/16/06 UG

CAMA Major Permit Application,
Carolina Marina

Applicant: Carolina Marina LLC
c/o Mr. Tim Ward

Location: Myrtle Grove Sound, AIWW,
New Hanover County

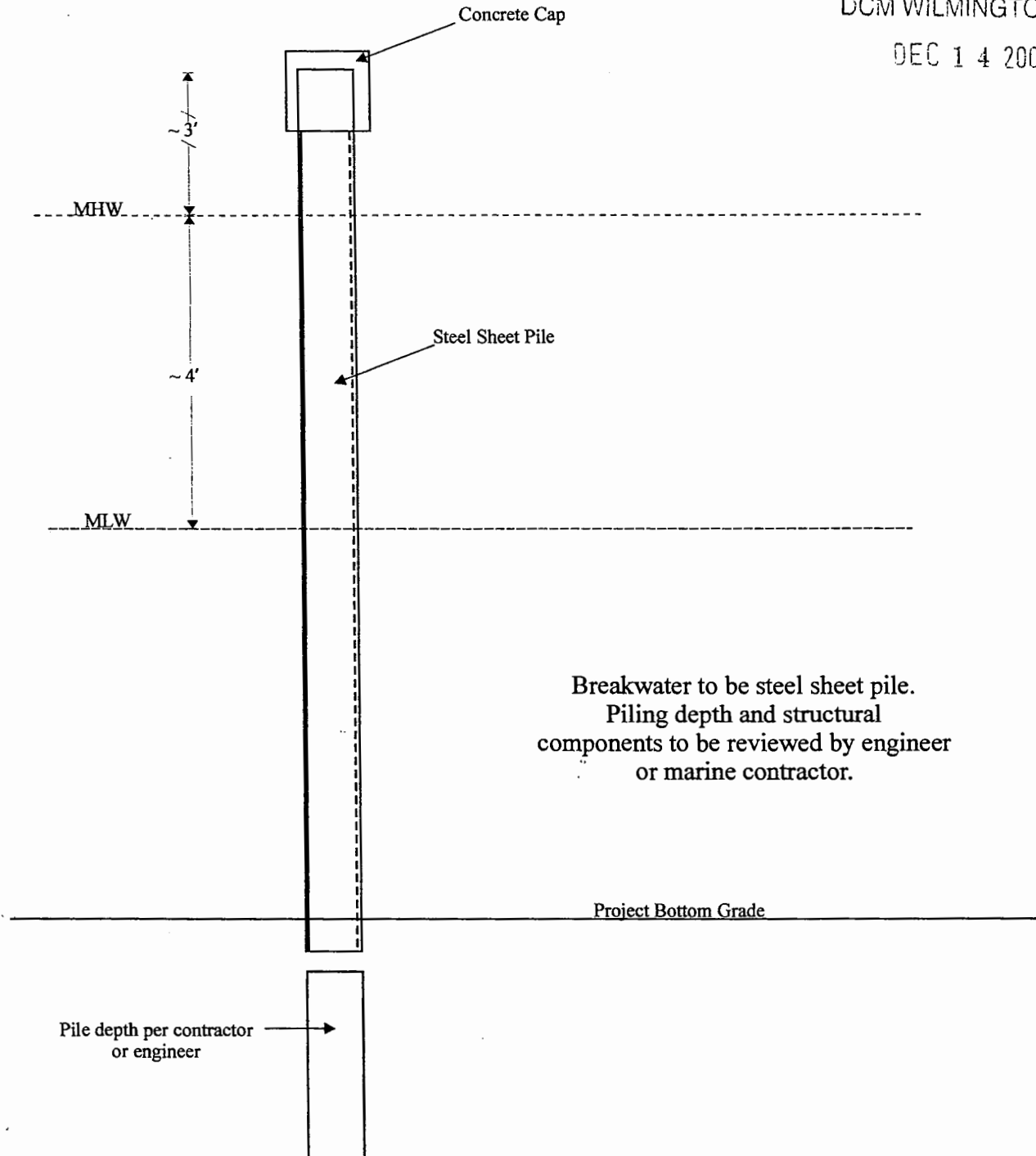
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Number:

12 of 13

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**TYPICAL
BREAKWATER
CROSS SECTION**

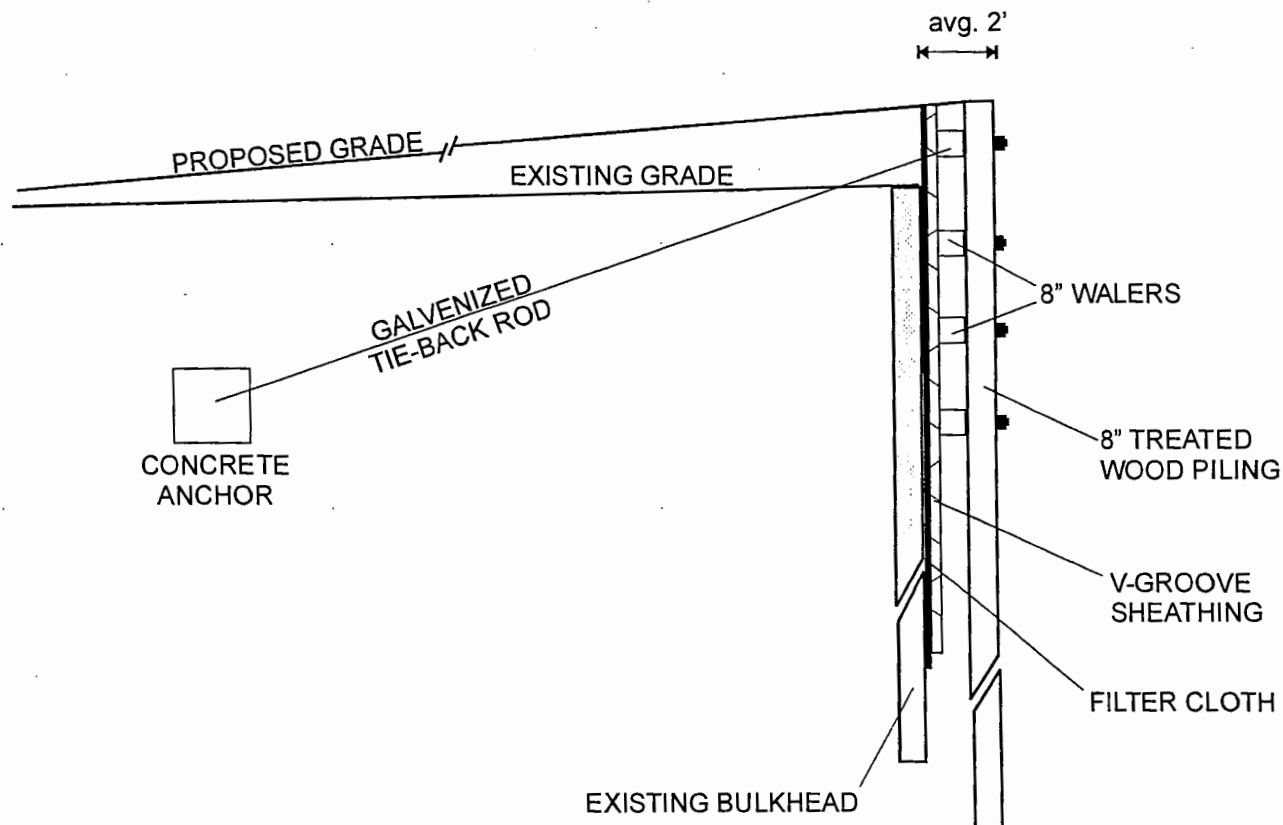
**CAMA Major Permit Application
Carolina Marina**

Applicant: Carolina Marina LLC,
c/o Mr. Tim Ward

Location: AIWW, New Hanover County

Date: Revised 13 Dec 05 Sheet of

13B



Notes:

1. Cross section is typical. Additional material may be used, including concrete and/or vinyl.
2. Cross section shows bulkhead located just waterward of existing bulkhead. Some sections will be landward of existing bulkhead.
3. Backfill will be clean material.
4. New piling depths will be determined by contractor or engineer.
5. There is no coastal marsh waterward of the existing bulkhead, in the area of the proposed bulkhead alignment. A small amount of *Spartina alterniflora* is located waterward of the existing bulkhead along the southern property line. New bulkhead along this section will be landward of existing bulkhead and behind coastal marsh.

PILING DEPTHS
PER CONTRACTOR

SCALE 1" = 5'
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TYPICAL
BULKHEAD
CROSS-SECTION

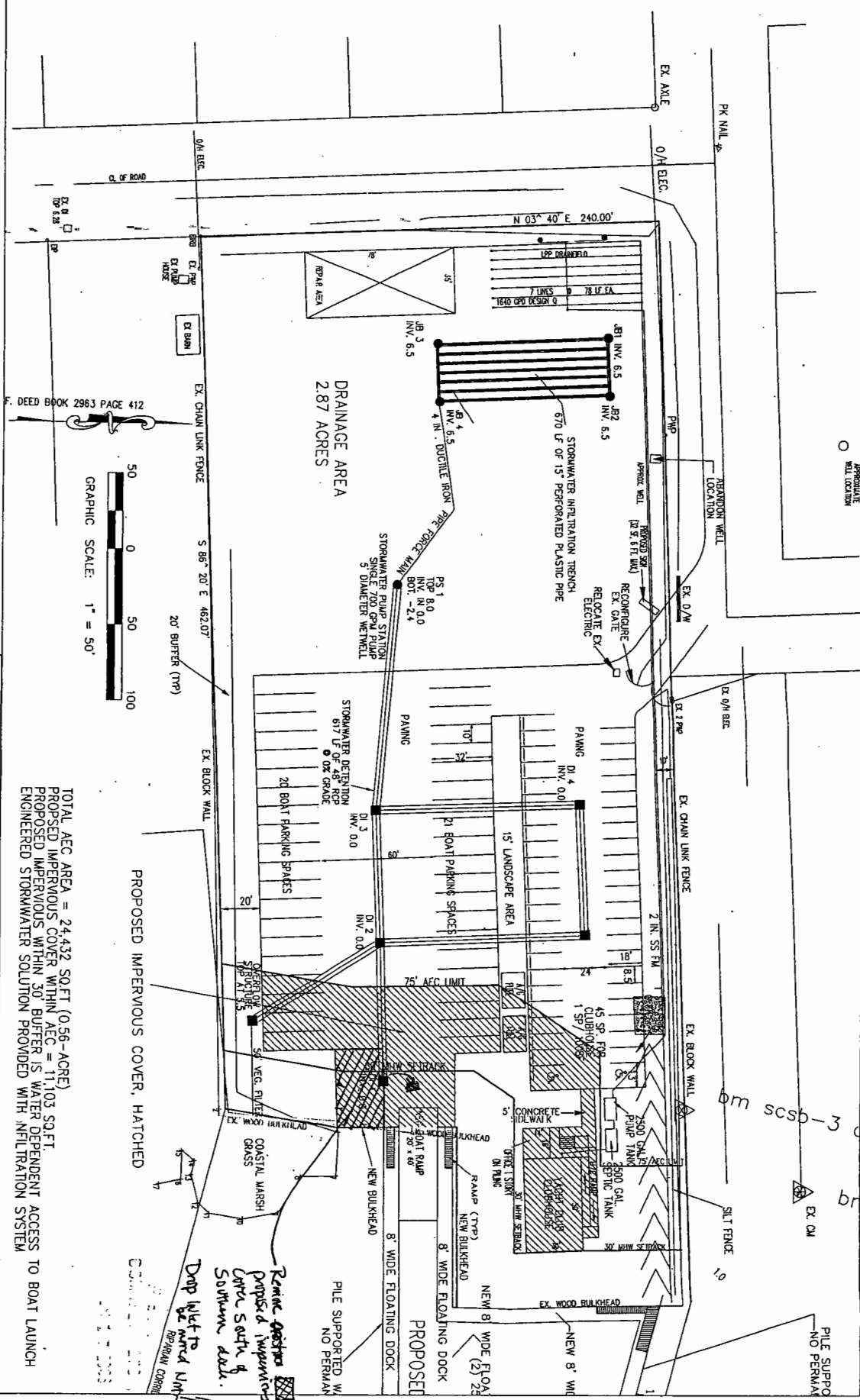
CAMA Major Permit Application,
Carolina Marina

Applicant: Carolina Marina LLC,
c/o Mr. Tim Ward

Location: AIWW, New Hanover County

Date: 12/1/2005

Sheet 136



TOTAL AEC AREA = 24,432 SQ.FT (0.56-ACRE)
 PROPOSED IMPERVIOUS COVER WITHIN AEC = 11,103 SQ.FT
 PROPOSED IMPERVIOUS COVER WITHIN 30' BUFFER IS WATER DEPENDENT ACCESS TO BOAT LAUNCH
 ENGINEERED STORMWATER SOLUTION PROVIDED WITH INFILTRATION SYSTEM

Land Management Group, Inc.
 Environmental Consultants
 901 Office Ave 2522
 Wilmington, North Carolina 28402
 Telephone: 910-452-0001

UPLAND DEVELOPMENT

CAMA Major Permit Application,
 Carolina Marina
 Applicant: Carolina Marina LLC
 c/o Mr. Tim Ward

Date: 10/18/05
 revised 12.22.05

Location: Myrtle Grove Sound, AWW,
 New Hanover County

Scale: 1"=50'
 Drawn By: LGS
 Job Number: 02-02-224

Sheet
 Number 10 of 13

Remain existing
 proposed impervious
 cover south of
 stormwater det.
 Drop inlet to
 be made into
 1/25/06
 1/24/06

